

City of Mississauga Department Comments

Date Finalized: 2024-06-12	File(s): B28.24 A118.24 A119.24 Ward: 1
To: Committee of Adjustment	
From: Committee of Adjustment Coordinator	Meeting date:2024-06-20 1:00:00 PM

Consolidated Recommendation

The City recommends that the Committee have regard for all comments and evidence provided by the applicant and area residents when assessing if the applications meet the requirements of Sections 51(24) and 45(1) of the Planning Act. The applicant may wish to defer the application to ensure the accuracy of the requested variances.

Application Details

B28/24

The applicant requests the Consent of the Committee to sever a parcel of land for the creation of a new lot. The parcel of land has a frontage of approximately 25.00m (approx. 82.02ft) and an area of approximately 661.40sq m (7119.25sq ft).

A118/24

The applicant requests a minor variance for the severed lands of B28/24 proposing:

1. A lot area of 661.40sq m (approx. 7119.25sq ft) whereas By-law 0225-2007, as amended, requires a minimum lot area of 695.00sq m (approx. 7480.92sq ft) in this instance;
2. A front yard setback to the dwelling of 7.77m (approx. 25.49ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 9.00m (approx. 29.53ft) in this instance;
3. A front yard setback to the decorative column of 7.88m (approx. 25.85ft) whereas By-law 0225-2007, as amended, requires a minimum front yard setback of 8.39m (approx. 27.53ft) in this instance;
4. A setback to the garage face of 7.81m (approx. 25.62ft) whereas By-law 0225-2007, as amended, requires a minimum setback to the garage face of 9.00m (approx. 29.53ft) in this instance;
5. A combined side yard width of 6.35m (approx. 20.83ft) whereas By-law 0225-2007, as amended, requires a minimum combined side yard width of 6.75m (approx. 22.15ft) in this instance;
6. A gross floor area (residential infill) of 331.85sq m (approx. 3572.00sq ft) whereas By-law 0225-2007, as amended, permits a maximum gross floor area of 322.28sq m (approx.

3468.99sq ft) in this instance;

7. A lot coverage of 32.9% whereas By-law 0225-2007, as amended, permits a maximum lot coverage of 30% in this instance;

8. An underside eaves height of 7.40m (approx. 24.28ft) whereas By-law 0225-2007, as amended, requires a minimum underside eaves height of 6.40m (approx. 21.00ft) in this instance; and,

9. A setback to the rear deck of 2.29m (approx. 7.51ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 2.50m (approx. 8.20ft) in this instance.

A119/24

The applicant requests a minor variance for the retained lands of B28/24 proposing:

1. A lot area of 787.20sq m (approx. 8473.35sq ft) whereas By-law 0225-2007, as amended, requires a minimum lot area of 810.00sq m (approx. 8718.77sq ft) in this instance;

2. An external side yard setback to the dwelling of 5.42m (approx. 17.78ft) whereas By-law 0225-2007, as amended, requires a minimum external side yard setback of 7.50m (approx. 24.61ft) in this instance;

3. A dwelling depth of 21.46m (approx. 70.41ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling depth of 20.00m (approx. 65.62ft) in this instance;

4. A flat roof dwelling height of 8.60m (approx. 28.22ft) whereas By-law 0225-2007, as amended, permits a maximum dwelling height of 7.50m (approx. 24.61ft) in this instance;

5. A setback to the deck of 3.50m (approx. 11.48 ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 5.90m (approx. 19.36ft) in this instance;

6. A setback to the decorative column of 5.42m (approx. 17.78ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 5.90m (approx. 19.36ft) in this instance;

7. A setback to the covered porch of 5.42m (approx. 17.78ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 5.90m (approx. 19.36ft) in this instance; and,

8. An external side yard setback to the second storey of 6.74m (approx. 22.11ft) whereas By-law 0225-2007, as amended, requires a minimum setback of 7.50m (approx. 24.61ft) in this instance.

Recommended Conditions and/or Terms of consent

- Appendix A – Conditions of Provisional Consent
- The variance application approved under File(s) A118.24 and A119.24 must be finalized

Recommended Conditions and/or Terms of minor variance

- Variance(s) approved under file(s) A118.24 and A119.24 shall lapse if the consent application under file B28.24 is not finalized within the time prescribed by legislation.

Background

Property Address: 1594 Calverton Court (1598 Calverton Court and 322 Pinetree Way)

Mississauga Official Plan

Character Area: Mineola Neighbourhood
Designation: Residential Low Density I

Zoning By-law 0225-2007

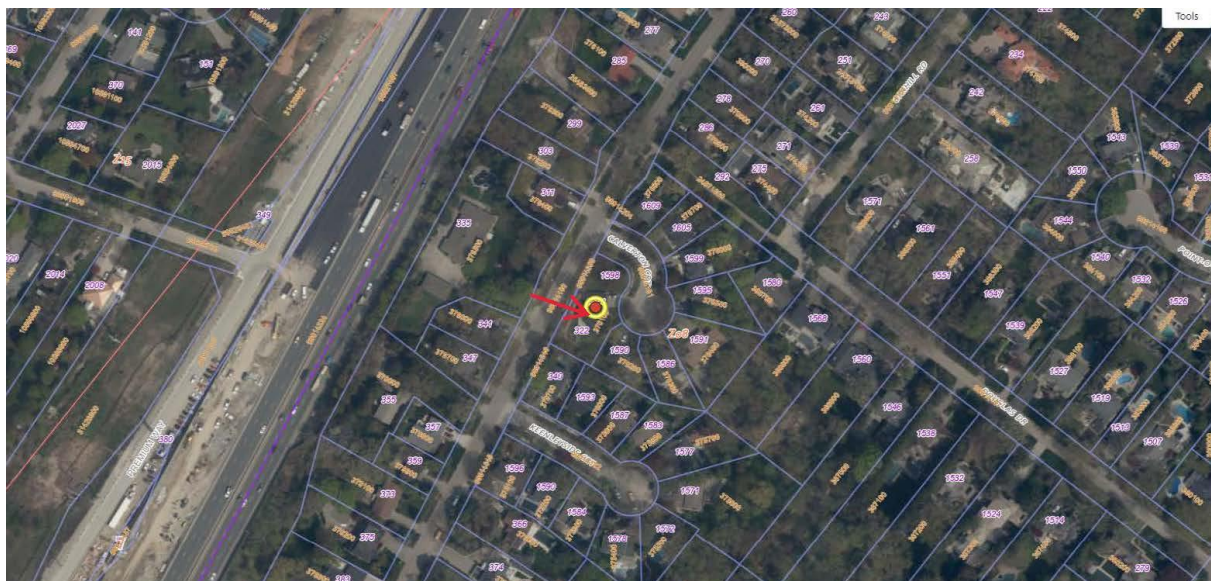
Zoning: R2-1- Residential

Other Applications:

Site and Area Context

The subject property is located within the Mineola Neighbourhood Character Area, southeast of Stavebank Road and Pinetree Way within a cul-de-sac off Pinetree Way. The immediate neighbourhood is entirely residential consisting of one and two-storey detached dwellings with mature vegetation in the front yards. The neighbourhood primarily consists of lots with lot frontages of 18m (59ft) and greater. The subject property contains an existing two-storey dwelling on a large lot with mature vegetation in both the front and side yards.

The applicant is proposing to sever the subject property and demolish the existing dwelling in order to construct a new dwelling on each of the properties requiring variances related to lot area, dwelling depth, frontage, setbacks, side yard widths, lot coverage, eave height and flat roof height.



Comments

Planning

Planning Act

Section 51 (24) of the *Planning Act* sets out the criteria for land division in the Province of Ontario. In evaluating such requests, the Committee needs to be satisfied that the proposal meets not only the criteria set out under Section 51(24), but also municipal requirements identify in local legislation.

Section 45 of the *Planning Act* provides the Committee of Adjustment with the authority to grant relief from the requirements of a municipal zoning by-law. In evaluating such requests, the Committee needs to be satisfied that the proposal meets the four tests set out in the *Planning Act*.

Provincial Matters

The Provincial Policy Statement 2020 (PPS 2020) and Growth Plan for the Greater Golden Horseshoe promote efficient development and land use, directing the focus towards intensification and redevelopment. The proposal is consistent with the general directive in provincial policy.

Staff comments concerning the applications are as follows:

The subject property is designated Residential Low Density I in Schedule 10 of the Mississauga Official Plan (MOP), which permits detached, semi-detached and duplex dwellings. As per Section 16.1.2.1, to preserve the character of lands designated Residential Low Density I and Residential Low Density II, the minimum frontage and area of new lots will be evaluated in the context of the existing lot pattern in the surrounding area.

The Committee approved applications B45.21, A293.21 and A294.21 on December 2nd, 2021. The applications were subsequently closed/withdrawn by the applicant.

Applications B45.21, A293.21 and A294.21 ("the original proposal") proposed the same lot shapes, areas and frontages as is proposed under applications B28.24, A118.24 and A119.24 ("the subject applications"). Planning staff had no concerns with the original proposal, as the two lots had originally been contemplated on the subject property by the original Plan of Subdivision (Registered Plan 849). Furthermore, the original proposal was generally reflective of the lot layout contemplated in the original plan of subdivision. The proposed lots are generally consistent in size and frontage with lots found within the immediate area. Since the subject applications propose lot shapes, areas and frontages that are consistent with the original proposal and the surrounding neighbourhood, staff continues to have no concerns with the consent application and frontage and area variances.

The original proposal did not contain drawings or variances for detached dwellings. Staff's comments on these variances are as follows.

Severed lands:

Variances #2, 3, 4 and 9 are for reduced setbacks. The reduced setbacks are minor and represent common characteristics throughout the surrounding area. As such, staff are of the opinion that these variances are appropriate to be handled through the minor variance process and raise no concerns of a planning nature.

Variance #5 is for combined side yard width. Through a review of the immediate neighbourhood, the proposed side yards are not out of character within the immediate neighbourhood and maintain a sufficient buffer to the neighbouring properties.

Variance #6 is for gross floor area. Staff are of the opinion that the proposed gross floor area represents a minor increase over the maximum requirement. The proposed gross floor area maintains compatibility with the existing dwellings in the neighbourhood and respects the existing neighbourhood's character.

Variance #7 is for a lot coverage of 32.9%, where a maximum lot coverage of 30% is permitted. Planning staff are of the opinion that this increase is minor and negligible. Furthermore, 27.5% of the total coverage is attributable to the ground floor and garage of the proposed dwelling where the remaining coverage is for a porch and decks with little to no massing impact.

Variance #8 is for eave height. Staff note that no variance for overall height is required. Furthermore, staff are satisfied that the proposed increase in height is appropriate for the subject property and note that average grade is approximately 1m (3.28ft) below the finished grade, reducing the appearance of the dwelling's overall height by 1m (3.28ft).

Retained lands:

Variances #2, 5, 6, 7 and 8 are for reduced setbacks. The reduced setbacks are minor and represent common characteristics throughout the surrounding area. As such, staff are of the opinion that these variances are appropriate to be handled through the minor variance process and raise no concerns of a planning nature.

Variance #3 is for dwelling depth. Planning staff are of the opinion that the requested dwelling depth is minor. Furthermore, the dwelling contains architectural features and building materials that break up its massing therefore the additional depth will not pose massing concerns for adjacent properties.

Based on the preceding information, Staff are of the opinion that the application conforms to Section 51(24) of the Planning Act, and more specifically that the application conforms to the official plan. As such, staff of City are of the opinion that the application is appropriate to be handled through the minor variance process and raises no concerns of a planning nature

Comments Prepared by: Connor DiPietro, Committee of Adjustment Planner

Appendices

Appendix 1 – Transportation and Works Comments

We are noting that any Transportation and Works Department concerns/requirements for this property will be addressed under Consent Application ‘B’ 28/24.

We have reviewed the application material provided by the applicant and advise that this proposal is the same that was previously approved by this Department through B-45/21.

The grading plans prepared by Tarasick McMillan Kubicki Ltd. that have been submitted with this application are the same as previously reviewed, therefore we have no objection to the proposal.

We note that our Traffic Section is advising that through the future Building Permit approval process, the site plan is to be revised to straighten the alignment of the residential driveway on the left side down to the municipal right-of-way in order to facilitate an easier exit for a vehicle from the garage.

Additionally, the applicant shall keep free and clear an effective 7.5m x 7.5m intersection sight triangle from any obstructions that would impact sightline visibility at the intersection of Pinetree Way and Calverton Court.

Enclosed for Committees easy reference are photos depicting the subject property.

G. Russell,

Supervisor, Development Engineering South

905-615-3200, ext. 5833

Comments Prepared by: Geoff Russell, Supervisor, Development Engineering - South





Appendix 2 – Zoning Comments

Please note that prior to land division zoning clearance being issued the severed and retained lands must comply with the provisions of Zoning By-law 0225-2007, as amended, with respect to, among other things, minimum lot frontage, minimum lot area, setbacks to the existing building(s), on site parking, etc., or alternatively, that any minor variance(s) is approved, final and binding and/or the demolition of any existing building(s) is complete. Information on how to obtain a land division clearance letter can be found [here](#).

Appendix 3 – Parks, Forestry & Environment

Park Planning

The Parks and Culture Planning Section of the Community Services Department has reviewed the consent application and advises as follows:

1. Prior to the issuance of building permits, cash-in-lieu for park or other public recreational purposes is required pursuant to Section 42 of the Planning Act (R.S.O. 1990, c.P. 13, as amended) and in accordance with the City's policies and by-laws.

Should further information be required, please contact Nicholas Rocchetti, Planner-in-Training – Park Assets, Community Services Department at 905-615-3200 ext. 4659 or via email Nicholas.Rocchetti@mississauga.ca.

Comments Prepared by: Nicholas Rocchetti, Planner in Training

Forestry

The Forestry Section of the Community Services Department has reviewed the consent application and advises as follows:

City of Mississauga Forestry Staff have attended the site and identified the following City owned trees within the municipal boulevard on Calverton Court and Pinetree Way:

- Linden (51cm DBH) – Good Condition - \$5,200.00
- Norway Maple (12cm DBH) – Good Condition - \$849.91
- Linden (54cm DBH) – Good Condition - \$5,800.00
- Norway Maple (37cm DBH) – Good Condition - \$ 2,800.00
- Linden (48cm BDH) – Good Condition - \$4,600.00
- Linden (52cm BDH) – Good Condition - \$5,400.00
- Linden (53cm BDH) – Good Condition - \$5,600.00

Should the application be approved, Community Services wishes to impose the following conditions:

1. The applicant shall provide tree protection securities in the amount of \$30,249.91 for the preservation of the municipal trees.

In addition, Forestry notes the following:

1. No public trees shall be injured or removed. If public tree removal is required, a permit must be issued as per By-law 0020-2022.
2. No private trees shall be injured or removed. If a private tree with a diameter of 15 centimetres or greater on private property is to be injured or destroyed, a permit must be issued as per By-law 0021-2022.
3. Please note if a tree is identified as a shared tree with the adjacent property owner, and the applicant intends to apply for a Tree Removal Permit, written consent must be obtained by both parties.
4. The applicant shall provide framed tree hoarding at the dripline of the above noted trees prior to any construction to the satisfaction of City of Mississauga Forestry Staff. Please call Matthew McMullen at 905-615-3200 ext. 3508 or Mike Newbold at 905-615-3200 ext. 8280 to arrange a hoarding inspection.
5. Payment for street tree fees and other charges can be made at the Parks and Forestry customer service counter located at 950 Burnhamthorpe Road West, in the form of a certified cheque, bank draft, or money order made payable to "The Corporation of the City of Mississauga". A Submission of Fees and Securities form is required to process payment. Please contact Rita Di Michele to request a Submission of Fees and Securities form and any other inquiries regarding the payment process.

A Tree Removal Application to Permit the Injury or Destruction of Trees on Public and Private Property can be found at <https://www.mississauga.ca/publication/application-to-permit-the-injury-or-destruction-of-trees-on-public-and-private-property/>.

Should further information be required, please contact Rita Di Michele, By-law Inspector, Community Services Department at 905-615-3200 ext. 5872 or via email rita.dimichele@mississauga.ca.

Comments Prepared by: Rita Di Michele, By-law Inspector

Appendix 4 – Region of Peel

Applications: B-24-028M, A-24-118M, A-24-119M / 1594 Calverton Court

Development Engineering: Brian Melnyk (905) 791-7800 x3602

Comments:

- Please note that severing the lands may adversely affect the existing location of the water and sanitary sewer services, if any exist. The result of this may require the applicant to install new water / sanitary servicing connections to either the severed or retained lands in compliance with the Ontario Building Code. The applicant may require the creation of private water / sanitary sewer servicing easements.

- The applicant is advised that, arrangements satisfactory to the Region of Peel, Public Works, shall be made with respect to servicing the site, prior to obtaining the Building Permit.
- Please be advised that service connection sizes shall be in compliance with Ontario Building Code and Region of Peel Design Criteria. An upgrade of your existing service may be required. All works associated with the servicing of this site will be at the applicant's expense. For more information, please contact Servicing Connections at 905.791.7800 x7973 or by email at siteplanservicing@peelregion.ca.
- All unutilized water and sanitary services shall be abandoned in accordance with Region of Peel design specifications. For more information, please contact Servicing Connections at 905.791.7800 x7973 or by email at siteplanservicing@peelregion.ca.
- Any changes to the underground water or sanitary sewer will require review by the Region of Peel. Site Servicing approvals are required prior to the local municipality issuing building permit. For more information, please contact Servicing Connections at 905.791.7800 x7973 or by email at siteplanservicing@peelregion.ca.

Comments Prepared by: Petrele Francois, Junior Planner

Appendix A – CONDITIONS OF PROVISIONAL CONSENT

SHOULD THE COMMITTEE GRANT A PROVISIONAL CONSENT, THE FOLLOWING IS A LIST OF THE RECOMMENDED CONDITIONS TO BE ATTACHED TO THE DECISION AND THESE CONDITIONS MAY BE REVISED BY THE COMMITTEE AT THE PUBLIC MEETING.

1. Approval of the draft reference plan(s), as applicable, shall be obtained at the Committee of Adjustment office, and; the required number of prints of the resultant deposited reference plan(s) shall be received.
2. An application amendment letter shall be received from the applicant or authorized agent confirming that the conveyed land shall be together with and/or subject to services easement(s) and/or right(s)-of-way, if necessary, in a location and width as determined by the Secretary-Treasurer based on written advice from the agencies having jurisdiction for any service or right for which the easement or right-of-way is required; alternatively, a letter shall be received from the applicant or authorized agent confirming that no services easement(s) and/or right(s)-of-way, are necessary.
3. A letter shall be received from the City of Mississauga, Manager of Zoning Plan Examination, indicating that the conveyed land and retained lands comply with the provisions of the Zoning By-law, or alternatively; that any variances are approved by the appropriate authorities and that such approval is final and binding. ("A" 118-117 /24)

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4. A letter shall be received from the City of Mississauga, Park Planning, Community Services Department, indicating that satisfactory arrangements have been made with respect to the matters addressed in their comments dated June 12, 2024.